



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN  
ATTORNEY GENERAL

Honorable Bert Ford, Administrator  
Texas Liquor Control Board  
Austin, Texas

*Travis Co*

Dear Sir:

Opinion No. 0-2912  
Re: Proper method of measuring the  
distance of 300 feet from the front  
door of a church to the front door  
of an establishment selling beer.

Your recent request for an opinion of this department upon the question as herein stated has been received.

We quote from your letter as follows:

"The question arises as to the proper method of measuring the distance of three hundred feet from the front door of a church to the front door of an establishment selling beer. Section 25(a), Article I, Texas Liquor Control Act, reads as follows:

"The Commissioners' Court of any county in the territory thereof outside incorporated cities and towns and the governing authorities of any city or town within the corporate limits of any such city or town may prohibit the sale of alcoholic beverages by any dealer where the place of business of any such dealer is within three hundred (300) feet of any church, public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in direct line across intersection where they occur."

"The question arises as to the proper construction to place upon the words 'along the property lines of the street fronts.' It becomes necessary to decide this question to determine whether or not the

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front door of a retail establishment, operated by George Constandine of Wichita Falls, is within three hundred feet of the front door of the Salvation Army Church, also in Wichita Falls.

"It is the beer permittee's contention that the measurement should be made from the front door of the Salvation Army to the edge of the sidewalk and from there along the street to the outer edge of the sidewalk to the first intersection; then directly across the street and along the outer edge of the sidewalk to a point directly in front of the center of the front door of George Constandine's establishment and from there to the front door of his establishment.

"It is our contention that the measurement should be made from the edge of the front door of the Salvation Army Building nearest to Mr. Constandine's front door directly along a line which would run along the inside of the sidewalk instead of the outside of the sidewalk to a point at the corner of the building on the next street; and then from that point across the street and then along a line following the inside edge of the sidewalk to the nearest edge of the front door of the Constandine establishment, rather than to the center of that door.

"A plat of the relative location of these two buildings and the front doors of each, showing the manner in which each of the above-mentioned measurements can be made, is enclosed herewith and attached hereto, since it is virtually impossible to actually describe the relative locations of these two places together with the proposed means of measuring the distance between the front doors without studying a plat showing the exact directions and relative locations. This plat shows Route #1, which is a measurement along the inside edges of the sidewalk, and Route #3, which measures along outside edges of the sidewalk; and also the distance from the outside edge of the

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sidewalk to the front door of each building.

"We desire your opinion on the proper manner of measuring the distance between these two front doors as shown on the enclosed plat. We desire to know which of the two proposed routes, Route #1 or Route #3, is the correct manner of measuring the distance between the two front doors; and, if neither is the correct method of making the measurement, your opinion as to whether or not the measurement should be made from the edge of the front door of each place--that is, from the side of the door nearest the other front door--or whether or not the measurement should be made from the center of each door."

Section 25(a), Article I, Texas Liquor Control Act, supra, provides in part that:

"....the measurements to be along the property lines of the street fronts and from front door to front door and in direct line across intersection where they occur."

The courts of this state have not interpreted the above mentioned act with reference to the manner or method of measurement. However, we think that the statute is clear and unambiguous and, as stated in the statute, the measurements are to be made along the property lines of the street fronts and from front door to front door and in direct line across intersections where they occur. Plat of the Licensed State Land Surveyor accompanying your request shows the property line to be where the buildings and the sidewalks join. Assuming that the property line, as shown by the surveyor is correct, and conforms with the correct plat showing the location of the property line, and if said plat confirms the plat as made by the Surveyor as to the location of the property line, it is our opinion that Route #1, as designated in the plat, is correct and should be followed in making the measurements. However, if the plat shows that the property lines are along the curb, as designated by Route #3, in the surveyor's plat, then Route #3 would be the proper lines on which the measurements should be made.

In other words, it is our opinion that the measure-

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ments are to be made along the property lines of the street fronts and from front door to front door and in direct line across intersections where they occur and the proper route to be followed is along said property lines regardless where they are situated, and from front door to front door and in direct line across intersections where they occur.

In this connection, we want to point out that the statute does not specify whether the measurement should be made from the center or edge of the door. We think that is immaterial from what portion of the front door the measurement is made and that the statute would be complied with if the measurement is made from either the edge or the center of said doors.

Trusting that the foregoing fully answers your inquiry, we are

APPROVED DEC 12, 1940

*Grover Allen*  
FIRST ASSISTANT  
ATTORNEY GENERAL

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

*Ardell Williams*

Ardell Williams  
Assistant

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